



General Assembly

January Session, 2013

Amendment

LCO No. 8183

HB0663708183HDO

Offered by:

REP. ORANGE, 48th Dist.

To: House Bill No. 6637

File No. 669

Cal. No. 462

"AN ACT CONCERNING THE DISCONTINUANCE OF HIGHWAYS AND PRIVATE WAYS BY MUNICIPALITIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 13a-49 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2013*):

5 (a) (1) The selectmen of any town may, subject to approval by a
6 majority vote at any regular or special town meeting, by a writing
7 signed by them, discontinue any highway or private way, or land
8 dedicated as such, in its entirety, or may discontinue any portion
9 thereof or any property right of the town or public therein, except
10 when laid out by a court or the General Assembly, and except where
11 such highway is within a city, or within a borough having control of
12 highways within its limits.

13 (2) Whenever the selectmen of a town approve such discontinuance
14 or partial discontinuance on or after October 1, 2013, the selectmen

15 shall give notice of such discontinuance or partial discontinuance to
16 each owner of property that bounds the discontinued highway or
17 private way, or land dedicated as such, or portion thereof, by mailing a
18 copy of such writing to such owner's address as shown in the last-
19 completed grand list of the town, by first class mail, and shall file a
20 copy of such writing in the office of the town clerk. If, in the opinion of
21 the selectmen, the boundary lines or limits of the discontinued
22 highway or private way have become lost or uncertain, the selectmen
23 shall make reasonable efforts to identify the boundary lines or limits of
24 the discontinued highway or private way, and shall give such notice to
25 each owner of property that bounds or traverses such identified
26 boundary line or limit in accordance with this subdivision. Such
27 reasonable efforts need not include an examination of title or abstracts
28 thereof or a land survey.

29 (3) The closure of any highway or private way by a town or its
30 selectmen that was approved prior to October 1, 2013, shall not be
31 deemed a discontinuance or partial discontinuance for the purposes of
32 this part unless a contrary intent is clearly expressed on the record of
33 the regular or special town meeting at which such closure was
34 approved.

35 (4) Any person aggrieved by a discontinuance or partial
36 discontinuance under this subsection may [be relieved by application]
37 apply to the Superior Court [, to be made and proceeded with] in the
38 manner prescribed in section 13a-62.

39 (b) Whenever a petition has been presented to the selectmen for
40 such discontinuance or partial discontinuance of any land dedicated as
41 a highway or private way but which has not been actually used,
42 worked or accepted [,] as a highway [,] by the town, and such
43 discontinuance or partial discontinuance has not been made by the
44 selectmen and approved by the town within twelve months after such
45 presentation, any person aggrieved may [be relieved by application]
46 apply to said court [, to be made and proceeded with] in the manner
47 prescribed in section 13a-62."

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2013</i>	13a-49
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